



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 21, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: COPPER SANDS, INC.- OWNER: RANCHO TORREY DEVELOPMENT, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-39487	Staff recommends APPROVAL, subject to conditions:	
SUP-39488	Staff recommends APPROVAL, subject to conditions:	VAR-39487
SDR-39485	Staff recommends APPROVAL, subject to conditions:	VAR-39487 SUP-39488

** CONDITIONS **

VAR-39487 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-39488) and Site Development Plan Review (SDR-39485) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-39488 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Convalescent Care Facility.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-39487) and Site Development Plan Review (SDR-39485) shall be required.
3. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-39485 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-39487) and Special Use Permit (SUP-39488) shall be required, if approved
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

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3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/07/10 except as amended by conditions herein.
4. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 09/07/10. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
5. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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13. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities as shown on the approved Site Plan.
14. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

Public Works

15. An update to the previously approved Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings, whichever may occur first. Comply with the recommendations of the approved update to the Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
16. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.
17. Site development to comply with all applicable conditions of approval for SDR-16503, TMP-19299 and all other site-related actions.
18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to redevelop a previously approved 10-building office complex into a six building Convalescent Care Facility. The project will combine four existing building pads into one, two-story building for a 60-bed care facility and connect two separate building pads with a similar two-story building for another 60-bed care facility. The project will eliminate 53 existing parking spaces, and add an additional 37,024 square feet of floor space to the site. This will create a parking shortage per Title 19.04 and thus require a Variance to reduce the parking required by seven spaces. The applicant has provided evidence of a unique circumstance related to the shape of the lot that would result in undue hardship upon the owner. Furthermore, the deviation is less than three percent and will not negatively affect the surrounding uses.

A Convalescent Care Facility use is allowed in a C-1 (Limited Commercial) district with the approval of a Special Use Permit. The project meets all Title 19 development requirements with the exception of the Variance from the minimum number of parking spaces required. The overall project will be harmonious with the area. Staff recommends approval of the three requests, with conditions. If denied, the Convalescent Care Facility would not be permitted, and site development would have to conform to the previously approved Site Development Plan Review.

ISSUES

- A Convalescent Care Facility use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- A Variance is required to reduce the required parking from 259 spaces to 252 spaces.
- The site is currently not fenced and contains hazardous open trenches. Several code violations have recently been reported to Code Enforcement to be addressed.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/15/06	The City Council approved a General Plan Amendment (GPA-16502) request to amend a portion of the Centennial Hills Sector Plan from: GC (General Commercial) TO: SC (Service Commercial). The Planning Commission and staff recommended approval.

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11/15/06	The City Council approved a Rezoning (ZON-16504) for a Rezoning from: R-E (Residence Estates) under resolution of intent to C-2 (General Commercial) and C-2 (General Commercial) TO: C-1 (Limited Commercial). The Planning Commission and staff recommended approval.
11/15/06	The City Council approved a Site Development Plan Review (SDR-16503) for a Site Development Plan Review for a proposed 81,240 square-foot commercial development consisting of 10 pad sites with single-story buildings. The Planning Commission and staff recommended approval.
03/08/07	The Planning Commission approved a Tentative Map (TMP-19299) for a one-lot Commercial Subdivision.
03/04/09	A Final Map (FMP-24485) was recorded for a one-lot Commercial Subdivision.
08/04/10	A code enforcement case (93356) was processed for transients living in vacant commercial buildings. The case was closed as resolved on 08/25/10.

Most Recent Change of Ownership

01/23/07	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

11/05/07	A Building Permit (#7003147) was issued for Building 1 shell for Certificate of Completion at 4660 North Rancho Drive. Expired 01/24/09. No Final inspection completed.
11/05/07	A Building Permit (#7003148) was issued for Building 2 shell for Certificate of Completion at 4660 North Rancho Drive. Expired 06/06/09. No Final inspection completed.
11/05/07	A Building Permit (#7003149) was issued for Building 3 shell for Certificate of Completion at 4660 North Rancho Drive. Expired 06/06/09. No Final inspection completed.
11/05/07	A Building Permit (#7003147) was issued for Building 1 shell for Certificate of Completion at 4660 North Rancho Drive. Expired 01/24/09. No Final inspection completed.
11/05/07	A Building Permit (#7003150) was issued for Building 4 shell for Certificate of Completion at 4660 North Rancho Drive. Expired 01/24/09. No Final inspection completed.
11/05/07	A Building Permit (#7003151) was issued for Building 5 shell for Certificate of Completion at 4660 North Rancho Drive. Expired 06/06/09. No Final inspection completed.
11/05/07	A Building Permit (#7003152) was issued for Building 6 shell for Certificate of Completion at 4660 North Rancho Drive. Expired 06/06/09. No Final inspection completed.

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11/05/07	A Building Permit (#7003153) was issued for Building 7 shell for Certificate of Completion at 4660 North Rancho Drive. Expired 06/06/09. No Final inspection completed.
11/05/07	A Building Permit (#7003154) was issued for Building 8 shell for Certificate of Completion at 4660 North Rancho Drive. Expired 06/06/09. No Final inspection completed.
11/05/07	A Building Permit (#7003155) was issued for Building 9 shell for Certificate of Completion at 4660 North Rancho Drive. Expired 06/06/09. No Final inspection completed.
11/05/07	A Building Permit (#7003156) was issued for Building 10 shell for Certificate of Completion at 4660 North Rancho Drive. Expired 01/24/09. No Final inspection completed.

Pre-Application Meeting

08/30/10	Staff reviewed the requirements for a Site Development Plan Review and the need for a Variance to allow reduced parking and a Special Use Permit to allow the proposed Convalescent Care Facility use.
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Neighborhood Meeting

Although a neighborhood meeting is not required, staff encouraged the applicant to hold a neighborhood meeting prior to the Planning Commission hearing. No meeting was held.

Field Check

09/16/10	Staff conducted a field check of the subject property. There were three vacant office building shells with the rest of the site having the appearance of an abandoned construction site. Some of the curbs and parking lot pavement had been installed. Some of the trees were dead or dying. There were many code violations found including several 4' deep, 30-foot long, open trenches. There was graffiti on the pylon sign as well as high weeds and trash throughout the property. The property was not fenced. Due to the potential safety hazard, the property was reported to Code Enforcement for mitigation of the conditions.
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Details of Application Request***Site Area***

Net Acres	6.41
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Office/Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
	BLM Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Office	SC (Service Commercial)	C-1 (Limited Commercial)
	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Housing Single Family Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Retail	SC (Service Commercial)	C-2 (General Commercial)
	Undeveloped	SC (Service Commercial)	C-2 (General Commercial)

<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
A-O District (175 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.08 the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	6.5 Acres	N/A
Min. Lot Width	100 Feet	300 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	
• Corner	N/A	N/A	
• Rear	20 Feet	20 Feet	

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Min. Distance Between Buildings	N/A	18 Feet	Y
Max. Lot Coverage	50%	42.3%	Y
Max. Building Height	N/A	30 Feet	N/A
Trash Enclosure	50 Feet	200+ Feet	Y
Mech. Equipment	Screened	Screened	Y

Per Title 19.08.060 the following residential adjacency standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	90 Feet	100 Feet	Y
Trash Enclosure	50 Feet	200+ Feet	Y

Pursuant to Title 19.10 & 19.12, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 1 per 30 Linear Feet	22 Trees	29 Trees	Y
• South	1 Tree / 1 per 30 Linear Feet	22 Trees	22 Trees	Y
• East	1 Tree / 1 per 20 Linear Feet	30 Trees	20 Trees	Y*
• West	1 Tree / 1 per 20 Linear Feet	30 Trees	24 Trees	Y*
TOTAL PERIMETER TREES		104 Trees	95 Trees	Y*
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	60 Trees	62 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		8 Feet	Y
• South	8 Feet		8 Feet	Y
• East	15 Feet		15 Feet	Y
• West	15 Feet		15 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Required	N/A

- As previously approved by Site Development Plan Review (SDR-16503).

<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Rancho Drive (Freeway-Expressway)	Master Plan of Streets and Highways	125	Y
Torrey Pines (Secondary Collector)	Master Plan of Streets and Highways	80	Y

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Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Convalescent Care Facility	84,052 S.F.	1 per 6 beds + 1 per employee for largest shift + 3 for medical Professionals	62				
Medical Office	21,652 S.F.	1 per 200 S.F. up to 2,000 S.F. then 1 per 175 S.F.	123				
Office, Other	14,680 S.F.	1 per 300 S.F.	49				
Clinic	5,744 S.F.	1 per 200 S.F. up to 2,000 S.F. then 1 per 250 S.F.	25				
TOTAL SPACES REQUIRED			259				252
Regular and Handicap Spaces Required			252	7	242	10	N
Loading Spaces			4		4		Y
Percent Deviation			3%				

ANALYSIS

This project is a revision of a previously approved 10-building office complex. The site plan has three major changes from the originally approved site plan (SDR-16503). The applicant is proposing two ingress/egress driveways onto Torrey Pines Drive where only one was previously approved. The additional driveway will be near the northeast section of the project where a drainage cutout was located. The second change combines Building Pads 3, 4, 5 and 6 into one

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building pad that is two stories tall. The third change combines Building Pads 7 and 8 into one building pad with another two story building. These two, two-story buildings will house the proposed Convalescent Care Facility. A Special Use Permit is required for the Convalescent Care Facility use. The remaining buildings will be used as offices and a dialysis clinic.

The proposed development will require a Variance to reduce the number of required parking spaces by seven spaces, or the equivalent of a three percent deviation from the required number. If approved, this would allow the total number of parking spaces to number 252 versus 259 that would otherwise be required for the proposed uses.

The proposed use is compatible with surrounding uses. Although the Convalescent Care Facility is an institutional use, it is residential in nature. The residential properties to the east will be buffered from the facility by the two-story building located along Torrey Pines Drive.

FINDINGS (VAR-39487)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The requested parking space Variance would result in less than a three percent deviation from the code requirements. This will not have a negative effect on the project or the surrounding area. There is evidence of a unique circumstance in that the lot is an odd shaped lot with sharp angles, making it difficult to lay out a standard commercial development that can meet all code requirements. In view of this hardship imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is within the realm of NRS Chapter 278 for granting of a Variance.

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FINDINGS (SUP-39488)

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 1.The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Convalescent Care Facility use can be conducted in a harmonious manner with existing land uses in the area.

- 2.The subject site is physically suitable for the type and intensity of land use proposed.**

The proposed site is flat and well suited for commercial development.

- 3.Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

The site is primarily accessed from Rancho Drive, a Nevada Department of Transportation designated freeway-expressway, and is capable of handling the traffic generated from this project.

- 4.Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The project will be regularly inspected for compliance of all codes.

- 5.The use meets all of the applicable conditions per Title 19.04.**

This project adheres to all requirements for the proposed uses in accordance to Title 19.04, with the exception of the requested Variance for parking.

FINDINGS (SDR-39485)

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

- 1.The proposed development is compatible with adjacent development and development in the area;**

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The proposed development is compatible with the adjacent development and development in the area.
The proposed uses for the site are allowed within the C-1 (Limited Commercial) zoning district.

2.The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

The proposed development is consistent with the General Plan and Title 19, and is in substantial conformance with the previously approved Site Development Plan review (SDR-16503) with approval of the requested Variance (VAR-39487).

3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Adequate access to the site is provided by existing driveways from Rancho Drive and Torrey Pines Drive. Site access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

4.Building and landscape materials are appropriate for the area and for the City;

Building and landscape materials remain as previously approved.

5.Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The building elevations and architectural features are not unsightly, are compatible with development in the area and substantially conform to the previous approvals.

6.Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 371

APPROVALS 0

PROTESTS 0